



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 18, 2025

To: The Honorable Donovan M. Dela Cruz, Chair,
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Tuesday, February 18, 2025
Time: 10:01 a.m.
Place: Conference Room 211, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 828 SD1 RELATING TO WORKERS'
COMPENSATION MEDICAL BENEFITS

I. OVERVIEW OF PROPOSED LEGISLATION

The **DLIR supports** this measure that amends Section 386-21.9 (HRS) to expand the definition workers' compensation medical benefits for firefighters to include coverage for adenocarcinoma or mesothelioma of the respiratory system, cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma unless an employer proves that the cancer or disease was not associated with firefighting duties.

II. CURRENT LAW

§386-21.9 provides medical care, services, and supplies for firefighters suffering from cancer, including leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, breast, female reproductive organs, or testes if a claim is accepted or determined as compensable by a firefighter with five or more years of service as a firefighter.

§386-21.9 also stipulates §386-21 shall remain applicable; provided that the employer shall be liable for medical care, services and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees as prescribed in the Medicare Resource Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.

§386-21 defines medical care, services, and supplies and provides that

immediately after a work injury sustained by an employee and so long as reasonably needed, the employer shall furnish to the employee all medical care, services and supplies as the nature of the injury requires.

§386-73.5 states that the DLIR Director has original jurisdiction over all controversies and disputes arising out of workers' compensation.

§386-85 states that in the absence of substantial evidence to the contrary it shall be presumed that a claim is covered for a work injury (presumption clause).

III. COMMENTS ON THE SENATE BILL

The DLIR supports this measure to ensure that firefighters receive timely and appropriate medical treatment to include coverage for adenocarcinoma or mesothelioma of the respiratory system; cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma when determined that aforementioned cancer or disease was associated with firefighting duties.

SB-828-SD-1

Submitted on: 2/16/2025 4:19:37 PM

Testimony for WAM on 2/18/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kazuo Todd	Testifying for Hawaii Fire Department	Support	Written Testimony Only

Comments:

Kazuo Todd
Fire Chief
Hawai'i Fire Department
25 Aupuni Street
Hilo, HI 96720
Phone: (808) 932-2900
Email: kazuo.todd@hawaiicounty.gov
February 16th, 2025

Senate Committee on Ways and Means
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for SB 828 – RELATING TO WORKERS' COMPENSATION MEDICAL BENEFITS

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

I am writing in strong support of SB 828, which expands workers' compensation medical benefits for firefighters by including additional cancers and diseases scientifically linked to occupational exposures. As Fire Chief of the Hawai'i Fire Department, I have witnessed the devastating impact that job-related cancers have on firefighters and their families.

Firefighters are regularly exposed to hazardous chemicals, carcinogens, and toxic environments that significantly increase their risk of developing cancer. SB 828 acknowledges these dangers by broadening the scope of workers' compensation medical coverage to include adenocarcinoma, mesothelioma, malignant melanoma, and additional cancers affecting key organs. This expansion is critical in ensuring that firefighters receive the care they deserve when they develop conditions directly related to their service.

This bill provides several key benefits:

1. Recognition of Occupational Risks: Firefighters have significantly higher cancer rates due to prolonged exposure to hazardous smoke, chemicals, and combustion byproducts.

Expanding coverage ensures that the law keeps pace with the latest research on occupational cancer risks.

2. Support for Firefighters and Their Families: A cancer diagnosis can place immense financial and emotional strain on firefighters and their loved ones. Ensuring that medical care is covered under workers' compensation helps alleviate these burdens.
3. Improved Recruitment and Retention: Stronger workers' compensation protections demonstrate a commitment to firefighter well-being, which is critical for recruiting and retaining skilled personnel in this high-risk profession.
4. Balanced and Fair Approach: The bill maintains a process where an employer may contest claims if they can prove that a firefighter's illness is not job-related, ensuring fairness while still prioritizing firefighter health.

Firefighters dedicate their lives to protecting the people of Hawai'i, often at great personal risk. It is our responsibility to support them when they face serious health consequences resulting from their service. I urge the committee to pass SB 828 to ensure that firefighters receive the necessary medical care and support they have earned.

Mahalo for your time and consideration.

Sincerely,

Kazuo Todd
Fire Chief
Hawai'i Fire Department

SB-828-SD-1

Submitted on: 2/16/2025 7:38:11 PM

Testimony for WAM on 2/18/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Support	Written Testimony Only

Comments:

I believe this puts the responsibility of proving illness/injury is work related when it is clearly a work related exposure.

I do believe they should be covered by employees workman's compensation.

Thank you

Mrs Ruth Love

LATE

Testimony in Support of Senate Bill 828

Aloha,

My name is Jace K. Schaefer Jr., and I am the Kaua'i Division Recorder with the Hawaii Fire Fighters Association and a Fire Fighter with the Kaua'i Fire Department. In total I have 20 years of service in which I have dedicated my life to the people of Kaua'i. I'm here today to testify in strong support of Senate Bill 828, which will expand health and medical benefits for firefighters diagnosed with cancer.

For two decades, I've proudly served the people of Kaua'i and witnessed firsthand the dangers my fellow firefighters face every single day. We run towards danger when others run away, knowing the risks we take. We do it because we are dedicated to protecting our community. But the dangers don't always disappear when the fire is out. We carry them with us. The smoke, the toxins, the countless carcinogens we're exposed to takes a toll on our bodies.

We know the risks, but we accept them as part of the job. What we shouldn't have to accept is being denied the care we need when those risks become a reality. I've seen colleagues, friends, and brothers and sisters struck down by cancer. Strong, dedicated firefighters, men and women who put their lives on the line for others, suddenly facing a battle for their own lives.

The current workers compensation system often makes it difficult for these firefighters to get the support they need. The burden of proof falls on them to prove their cancer is directly linked to a specific fire, a near-impossible task given the latency period of many cancers and the multitude of exposures we face.

Senate Bill 828 offers a crucial change. It recognizes the inherent risks of our profession by creating a presumption of compensation for specific cancers diagnosed in firefighters with at least five years of service. This is not about giving firefighters special treatment; it's about acknowledging the sacrifices we make and ensuring that we are taken care of when we need it most. This bill isn't just about firefighters; it's about our families.

It's about ensuring that a firefighter diagnosed with cancer can focus on their treatment and recovery, not on fighting a bureaucratic system to get the care they deserve. It's about providing peace of mind to our families, knowing that if the worst happens, they will be supported.

Senate Bill 828 is a critical step in protecting those who protect others. I urge you to support this bill and help ensure that my fellow firefighters, and all future firefighters, receive the care and support they need when facing a cancer diagnosis.

Mahalo,

Jace Schaefer Jr.
Kauai Fire Department
HFFA Kauai Division Recorder



HAWAII FIRE FIGHTERS ASSOCIATION

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THE SENATE
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025

LATE

COMMITTEE ON WAYS AND MEANS

Tuesday, February 18, 2025

10:01 AM

Conference Room 211

S.B. No. 828 RELATING TO WORKERS' COMPENSATION MEDICAL BENEFIT
S.D. 1

LBT/PSM,
WAM

Dear Chair Dela Cruz and members of the Ways and Means Committee,

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO represents more than 2,000 active-duty and 1,000 retired professional fire fighters throughout the State of Hawaii. The HFFA, on behalf of all our members, strongly supports S.B. 828, S.D. 1, which expands medical benefits for firefighters under workers' compensation to include additional types of cancers.

"The National Institute for Occupational Safety and Health (NIOSH) study identified that fire fighters have a 9% greater chance of being diagnosed with cancer and a 14% greater chance of dying from cancer than the general U.S. population." Fire fighters are exposed to carcinogenic agents from fire combustion products that can be inhaled, ingested, or absorbed through dermal exposure, fire fighting foam, diesel exhaust from fire apparatus, and even the turnouts, which provide thermal stability, contain PFAS. The Grace LeMasters' study found a direct correlation occupational exposure and the increased risk for cancer.

S.B. No. 828, S.D. 1 provides the workers' compensation coverage for our fire fighters diagnosed and require cancer treatment.

Thank you for the opportunity to testify and we ask the Committee to pass S.B. No. 828, S.D. 1.